

STATEMENT OF FACTS

Your affiant, Aaron Arizmendi, is a Task Force Officer assigned to the Federal Bureau of Investigation. In my duties as a Task Force Officer assigned to the Joint Terrorism Task Force (JTTF), I investigate domestic terrorism to include weapons violations as well as threats to life and violent crimes against individuals. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

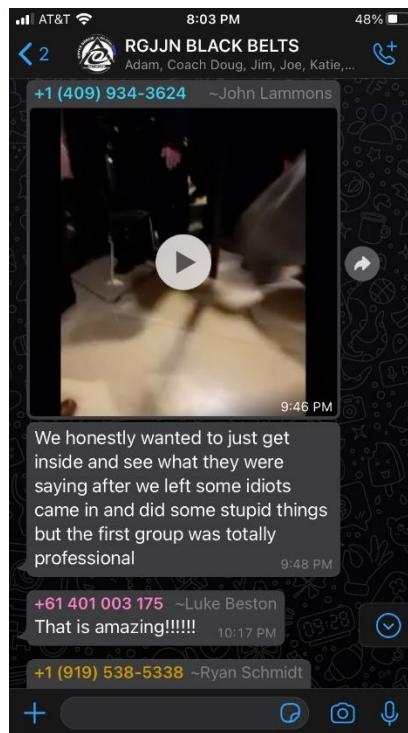
As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

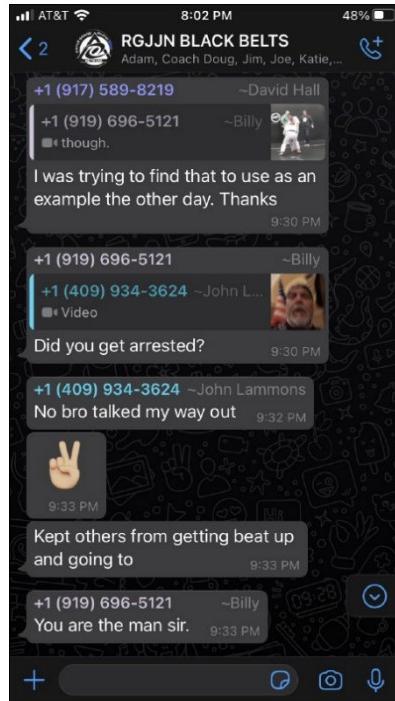
On January 13, 2021, the Federal Bureau of Investigation (FBI) began investigating a tip regarding John Franklin LAMMONS stating in a WhatsApp chat group that he was in the Capital building in D.C. on January 6, 2021. Multiple screen shots of the conversation were attached to the tip. The image below that was attached to the tip identifies the sender's phone number as ***-***-3624 with assigned contact name as John LAMMONS. The screen shot depicts a video of the floor and legs of unidentified subjects with a time stamp of 9:46 PM. LAMMONS states "we honestly wanted to just get inside and see what they were saying after we left some idiots came in and did some stupid things but the first group was totally professional".



A second screen shot attached to the tip appeared to be a post at 7:12 PM by LAMMONS of a video file that showed LAMMONS' face and an American flag in the background. See below for screenshot.



The third image was a screen shot that had a post from an unknown individual asking if LAMMONS got arrested. LAMMONS posted the response “No bro talked my way out” and “Kept others from getting beat up and going to”.



Your Affiant conducted a Google search of LAMMONS phone number from the screen shots, ***-***-3624, and the results included Anaconda Jiu-Jitsu located in Galveston, Texas. Your Affiant clicked on the link that was to the web page for Anaconda Jiu-Jitsu. The webpage

indicated that Anaconda Jiu-Jitsu was founded in 2012 by John LAMMONS with the below picture of LAMMONS. The subject in the below picture appeared to be the same subject from the WhatsApp chat screen shots above.



On January 13, 2021, your Affiant and FBI Special Agent (SA) Travis Hutchins interviewed LAMMONS at Anaconda Jiu-Jitsu, in Galveston, Texas, where LAMMONS provided the following information:

LAMMONS stated he left Galveston on Monday, January 4, 2021, and traveled in his own truck to Virginia with a female friend.

LAMMONS stated that on January 6, 2021, LAMMONS did not know where to go so he and his friend took a cab to the Capitol in Washington D.C. from their hotel. The cab could not get close to the Capitol so they were dropped off and had to walk to the Capitol. As they were approaching, there were a lot of people walking away from the Capitol. When LAMMONS got to the Capitol, he heard someone say there are the CNN cameras so he went to look, only to realize it was not. LAMMONS then followed the crowds to the Capitol. LAMMONS saw police manning bicycle rack barricades by the scaffolding and he saw guys climbing on a nearby podium. An unknown guy was screaming, "take this, it is yours" in reference to the U.S. Capitol. The guy then got a megaphone and continued instigating the crowd.

LAMMONS stated that he saw a bottle thrown from the crowd and then the police threw a concussion grenade into the crowd. The police then backed up to the Capitol doors and so the people, including LAMMONS, moved past the bicycle barricades. The police started spraying pepper spray at the crowd through the plastic that was wrapped around the scaffolding. People in the crowd were shouting to push the cops back. The police backed off, the doors opened and someone said come in. LAMMONS was unsure if the person that yelled "come in" was in the crowd or the police. As the crowd moved into the Capitol, LAMMONS was able to move up to the next level where there was a police motorcycle with the flashers on.

LAMMONS stated that there was a guy by the door holding an American flag and there was no resistance when LAMMONS entered the Capitol building. LAMMONS thought he was part of the first crowd to enter the Capitol building but heard a cop yell that a lady had already been shot. At that point, LAMMONS realized there must have been a group that entered from a different side of the Capitol building earlier. LAMMONS thought he entered into Statuary Hall. The crowd started moving out of Statuary Hall and LAMMONS saw six to twelve cops before

entering the next hall. LAMMONS stated that here was no violence towards anyone and no weapons displayed by the crowd or police that he saw.

LAMMONS got into the next hall (unknown which hall) and in one of the doorways to depart that hall were law enforcement officers telling the crowd to get out and get back. LAMMONS saw young individuals yelling at the cops when LAMMONS got between the cops and the people yelling. LAMMONS yelled at the people that this is not our problem here and LAMMONS was trying to push the people back. LAMMONS saw something thrown at the cops from the crowd. One officer charged and the other officers followed going past LAMMONS to the instigators.

An officer had an older man on the ground that did not look well to LAMMONS. LAMMONS told the officer to let LAMMONS have him and LAMMONS will take care of him. The officer said to LAMMONS that if I let you take him, will you get your people to leave. LAMMONS agreed and moved the man to a safe area. LAMMONS went back to the confrontation still going on and the same officer said to LAMMONS, "you agreed to get your people to leave." LAMMONS told the officer that the instigators were not his people and he was not with them.

After about 15-20 minutes, there was still a battle at the front doors when LAMMONS was trying to leave. LAMMONS had to climb out of a window to exit the Capitol because people were still trying to get in. LAMMONS remembered seeing people running straight into the cops. LAMMONS started texting his friend to find her so they could leave. They met outside of a nearby coffee shop where his friend had been the entire time watching. LAMMONS and his friend took an Uber back to the hotel. LAMMONS said he was wearing green cargo pants, a gray hoodie with a Cabela's black coat over it.

LAMMONS showed your Affiant multiple videos the he took to include one of LAMMONS entering the Capitol building. Below is an image your Affiant has attached that is a screen shot from the video as LAMMONS approached the Capitol building door to enter. Your Affiant captured the screen shot from a copy of the video LAMMONS provided to your Affiant.



LAMMONS also showed and later provided your Affiant with a video that depicts LAMMONS' as he stood in front of a statue where LAMMONS is holding up two fingers giving the peace sign. The image to the right is a screen shot your Affiant captured from the video provided by LAMMONS. An FBI Agent identified the statue behind LAMMONS as Charles Brantley Aycock that is located in the Crypt which is located within the Capitol building.

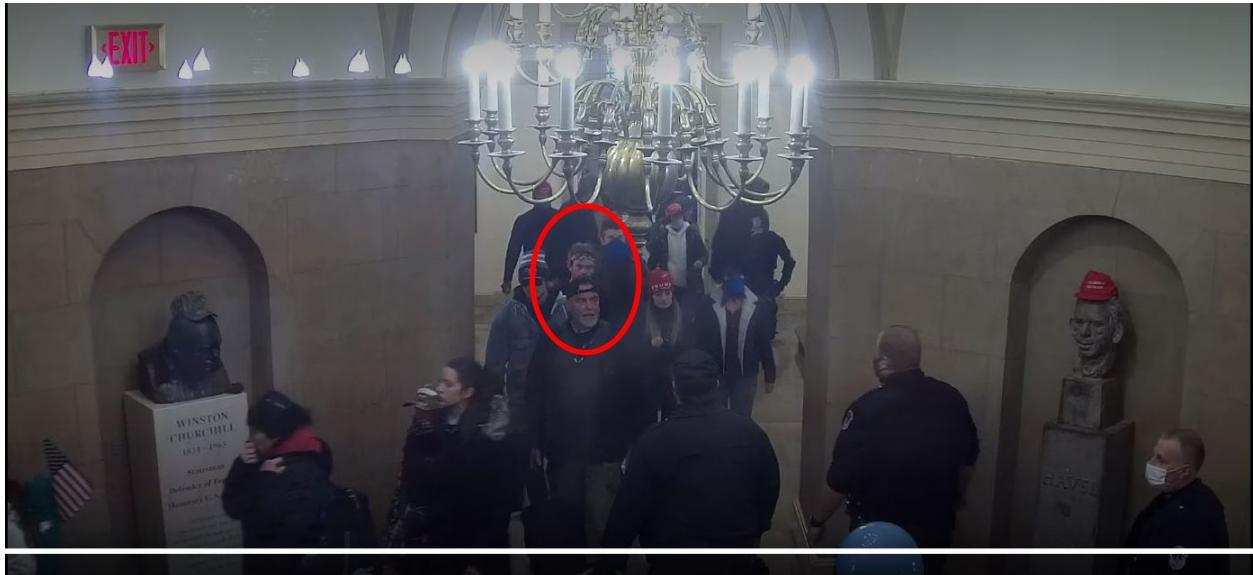


LAMMONS showed and later provided your Affiant with a video that LAMMONS claimed to record. The video shows LAMMONS at the front of a crowd at an interior Capitol door that was being blocked by Capitol police officers. The image to the right is a screen shot your Affiant captured from the video provided by LAMMONS. Your Affiant could hear the crowd shouting in the video and they appeared agitated. Your Affiant heard LAMMONS in the video saying "Hold your ground". During the above documented interview of LAMMONS, he stated he was talking to the crowd when he gave the order to "Hold your ground."

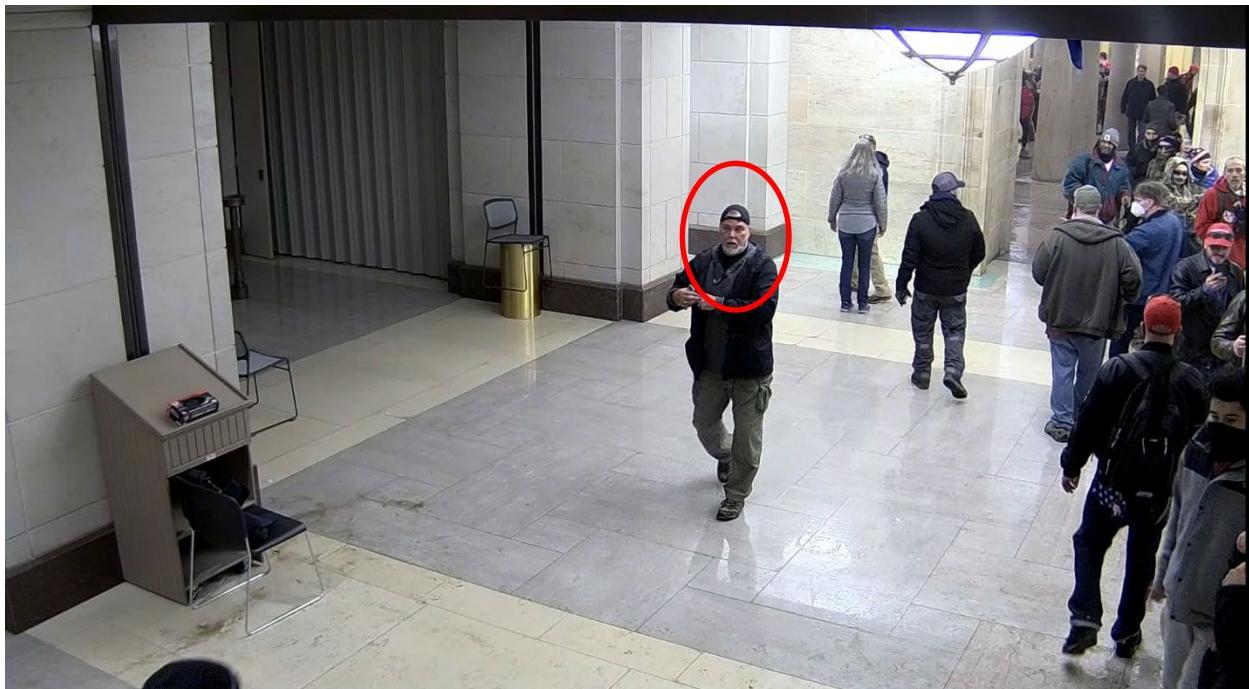


On August 23, 2021, the Affiant received account subscriber information for ***-***-3624 from T-Mobile US, Inc. pursuant to a United States Grand Jury subpoena. T-Mobile indicated the subscriber was JOHN LAMMONS with a subscriber address in Galveston, TX .

TFO Arizmendi reviewed the United States Capitol security camera video footage and observed LAMMONS wearing the same clothing that LAMMONS described himself as wearing while inside the U.S. Capitol as well as matching the clothing LAMMONS was wearing in the videos provided TFO Arizmendi by LAMMONS. This screenshot was taken from 2:47:25 – 2:47:32 EST near the Memorial Door inside the U.S. Capitol.

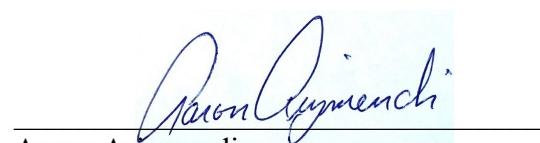


TFO Arizmendi also observed LAMMONS in the U.S. Capitol security camera recorded in the Crypt Lobby of the U.S. Capitol during the screen timeframe of 2:34:50 to 2:35:47 EST.



Based on the foregoing, your affiant submits that there is probable cause to believe that John LAMMONS violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that John LAMMONS violated 40 U.S.C. § 5104(e)(2)(D) and (G)), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Aaron Arizmendi
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 1st day of March 2022.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE